

REMARKS

By the foregoing Amendment, Claim 1 has been amended. Claims 1-11 and 13 remain pending. It is respectfully submitted that the foregoing amendments do not introduce any new matter, and do not raise any issues that would require further consideration and/or search. Favorable consideration of the application is respectfully requested.

Claims 1-4, 6-7, 9-11 and 13 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Benvegar et al. The Examiner indicated that the charge stored by the capacitor of the high voltage charger circuit 14 is used to shock the patient, and concluded that the capacitor would thus be considered a second power supply provided to power at least one non-energy delivery circuit of the battery pack and the external defibrillator. However, it is respectfully submitted that since the capacitor of the charger circuit 14 of Benvegar et al. is used to shock the patient, the capacitor is used to power a portion of the energy delivery circuit, not a non-energy delivery circuit.

Claim 1 has been amended to recite "the external defibrillator having a main operating mode for delivering energy to a patient, and an alternate operating mode powering non-energy delivery functions of the external defibrillator," "a first power supply for providing power to the external defibrillator for delivering energy to a patient during the main operating mode," and "a second power supply for providing power to at least one non-energy delivery circuit of the battery pack and the external defibrillator during the alternate operating mode." The Examiner's attention is directed to the

specification at page 5, lines 15-21 and at page 6, lines 3-14, describing the main operating mode for delivering energy to a patient, and the alternate operating mode powering non-energy delivery functions. It is respectfully submitted that Benvegar et al. does not teach, disclose or suggest a second power supply providing power to at least one non-energy delivery circuit of the battery pack and the external defibrillator during an alternate operating mode powering non-energy delivery functions of the external defibrillator.

Benvegar et al. was also cited as providing a plurality of battery cells, at least one of which could serve as a second power supply. However, it respectfully submitted that in Benvegar et al. the plurality of battery cells are connected together. Claim 1 has also been amended to recite "the second power supply being electrically isolated from the first power supply." The Examiner's attention is directed to the specification at page 6, lines 15-21, describing the electrical isolation of the second power supply from the first power supply. It is respectfully submitted that Benvegar et al. does not teach, disclose or suggest a second power supply that is electrically isolated from a first power supply and that provides power to at least one non-energy delivery circuit of the battery pack and the external defibrillator during an alternate operating mode powering non-energy delivery functions of the external defibrillator. It is therefore respectfully submitted that Claims 1-4, 6-7, 9-11 and 13 as amended are novel and inventive over Benvegar et al., and that the rejection of Claims 1-4, 6-7, 9-11 and 13 on the grounds of anticipation by Benvegar et al. should be withdrawn.

Claim 5 was rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Benvegar et al. further in view of Kurle et al., which was cited as disclosing a smart battery that self-monitors and indicates use conditions. Claim 5 depends from Claim 1, and it is respectfully submitted that Benvegar et al. and Kurle et al., whether taken individually or in combination, do not teach, disclose or suggest a second power supply that is electrically isolated from a first power supply and that provides power to at least one non-energy delivery circuit of the battery pack and the external defibrillator during an alternate operating mode powering non-energy delivery functions of the external defibrillator, as is recited in Claim 1. It is therefore respectfully submitted that Claim 5 is also novel and inventive over Benvegar et al. and Kurle et al., and that the rejection of Claim 5 on the grounds of obviousness from Benvegar et al. in view of Kurle et al. should be withdrawn.

Claim 8 was rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Benvegar et al. further in view of Olson et al., which was cited as disclosing self-testing of an automated external defibrillator during which battery cells 17 of a battery pack are checked. Claim depends from Claim 1. It is respectfully submitted that Benvegar et al. and Olson et al., whether taken individually or in combination, do not teach, disclose or suggest a second power supply that is electrically isolated from a first power supply and that provides power to at least one non-energy delivery circuit of the battery pack and the external defibrillator during an alternate operating mode powering non-energy delivery functions of the external defibrillator, as is recited in Claim 1. It is therefore respectfully submitted that Claim 8 is also novel and inventive over Benvegar et al. and Olson et al.,

and that the rejection of Claim 8 on the grounds of obviousness from Benvegar et al. in view of Olson et al. should be withdrawn.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 

James W. Paul
Reg. No. 29,967

JWP/rvw

Encls.: Return Postcard

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201